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No. 441

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CHARLES ELMORE
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Supreme Court of the United States

OCTOBER TERM, 1948.

AMERICAN SAFETY TABLE COMPANY,

Petitioner,

—against—

SINGER SEWING MACHINE COMPANY,

Respondent.

**PETITION AND MOTION TO DISPENSE WITH PRINTING
RECORD REQUIRED UNDER RULE XXXVIII-1.**

EDWIN M. OTTERBOURG,
LEON J. OBERMAYER,
Attorneys for Petitioner.



Supreme Court of the United States

OCTOBER TERM, 1948.

AMERICAN SAFETY TABLE COMPANY,

Petitioner,

—against—

SINGER SEWING MACHINE COMPANY,

Respondent.

Now comes the American Safety Table Company, the petitioner herein, and on the annexed petition verified the 12th day of November, 1948, and on the record in this matter on file with the Clerk of this Court, hereby moves this Court for an order dispensing with the printing of said record for the purpose of application to this Court for a writ of certiorari to the Court of Appeals for the Third Circuit.

Dated: November 12, 1948.

Yours, etc.,

EDWIN M. OTTERBOURG,

LEON J. OBERMAYER,

Attorneys for

American Safety Table Company.

Supreme Court of the United States
OCTOBER TERM, 1948.

AMERICAN SAFETY TABLE COMPANY,
Petitioner,
—against—

SINGER SEWING MACHINE COMPANY,
Respondent.

**Petition and Motion to Dispense with Printing Record
Required Under Rule XXXVIII-1.**

*To the Honorable the Chief Justice and the Associate
Justices of the Supreme Court of the United States:*

The petition of American Safety Table Company respectfully shows:

1. Your petitioner simultaneously herewith is filing its petition for a writ of certiorari to issue to the United States Court of Appeals for the Third Circuit to review the order of that Court entered therein on the 6th day of July, 1948, and the proceedings in which that order resulted.
2. The opinion of the United States Court of Appeals, which was followed by the said order, has not as yet been officially reported, but has been unofficially reported in 169 Fed. (2d) 514.
3. The proceeding in which said order was entered was to a certain extent consolidated with the proceed-

ing in the case of *Root Refining Co. v. Universal Oil Products Company*, and for the sake of convenience the two proceedings were tried together.

4. In the proceeding, the United States Court of Appeals acted as the court of first instance and took testimony and received exhibits, and unlike the usual appeal in that Court, there was no printed record.

5. The taking of testimony occupied the greater part of ten days, and the stenographer's minutes of those particular hearings covered 3,120 pages. Exhibits to the number of 344 were introduced. Previous hearings covered 363 pages and pleadings, orders, etc., covered an additional 165 pages. The entire record comprises approximately 4,600 pages.

6. The expense of printing that record is a matter of considerable importance to your petitioner, which is not a large or wealthy corporation.

WHEREFORE, your petitioner prays for an order dispensing with the printing of the record for the purpose of consideration of the petition for the issuance of the writ of certiorari under Rule XXXVIII-1.

Dated: November 12, 1948.

Respectfully submitted,

AMERICAN SAFETY TABLE COMPANY,
By: LOUIS FRANKEL.

EDWIN M. OTTERBOURG,
LEON J. OBERMAYER,
Attorneys for Petitioner.

State of New York,
County of New York—ss.:

LOUIS FRANKEL, being duly sworn, deposes and says:
That he is the President of American Safety Table
Company, the petitioner herein; that he has read the
foregoing petition and knows the contents thereof;
and that the same is true.

LOUIS FRANKEL.

Sworn to before me this
12th day of November, 1948.

STANLEY H. SCHINDLER
Notary Public State of New York
N. Y. Co. Clks. #2558
My Commission Expires Mar. 30, 1950.